

## **REMARKS**

Reconsideration of the Office action mailed on December 14, 2004 is requested in view of the foregoing amendments and the following remarks.

### **Double Patenting**

The Examiner raised two obviousness-type double patenting issues, but a detailed discussion of those issues has been postponed until remaining issues have been resolved. Nevertheless, applicants make the following statements in an attempt to resolve the issues without the need for a more detailed discussion.

The Examiner rejected claims 1 and 13-15 under the judicially created doctrine of obviousness-type double patenting in light of claim 17 from co-pending application number 10/052,705. That rejection is traversed. Nevertheless, claims 1 and 13-15 have been amended to more particularly point out the protection sought by the current claims. Specifically, claim 1 requires a brake mounted on an arbor block. Claim 13 requires a brake system specifically configured to raise and lower with a cutter. Claim 14 requires a brake system triggered automatically when a detection system detects a dangerous condition. Claim 15 requires brake positioning means for moving a brake means up and down with the blade to maintain the brake means in an operative position relative to the blade as the position of the blade is adjusted up and down. Co-pending claim 17 fails to disclose any of these limitations and therefore the cited claims in the present application are patentably distinct and this double patenting rejection should be withdrawn.

The Examiner rejected claims 1, 13 and 15 under the judicially created doctrine of obviousness-type double patenting in light of claim 1 from co-pending application number 10/052,705. That rejection is traversed. As stated, claim 1 in the present

application now requires a brake mounted on an arbor block and is therefore patentably distinct from co-pending claim 1. Claim 13 from the present application requires a detection system adapted to detect a dangerous condition between a user and the cutter, and claim 15 requires detection means for detecting a dangerous condition between a person and the blade, and therefore present claims 13 and 15 are patentably distinct from co-pending claim 1.

### **Claim Rejections – 35 USC 103**

Claims 1-5, 13-15 and 30-33 were rejected under 35 USC 103 as obvious over U.S. Patent No. 1,811,066 to Tannewitz in view of U.S. Patent No. 3,785,230 to Lokey and U.S. Patent No. 4,117,752 to Yoneda. Those rejections are traversed. Claim 5 has been cancelled without prejudice so the rejection of that claim is moot.

Claims 1-4 and 30-33 describe a table saw with a table defining a work surface and a blade extendable up through the work surface. The saw includes a detection system configured to detect a dangerous condition between the blade and a person and a brake configured to engage and stop the blade upon detection of the dangerous condition. The position of the blade relative to the table may be adjusted, and when it is adjusted, the brake must remain in an operative position relative to the blade so that the brake can engage and stop the blade in the event a dangerous condition is detected. In the table saw described by these claims, the operative position of the brake is maintained by mounting the brake to an arbor block. The arbor block is the structure that supports the arbor, and the arbor is the shaft on which the blade is mounted. The arbor block moves with the blade because it supports the arbor, and the brake will maintain its position relative to the blade because it is mounted on the arbor block.

Nothing in the cited references discloses a brake mounted to an arbor block. The Examiner says that shaft 3 in Tannewitz is an arbor block that supports arbor 6. Applicants respectfully disagree; shaft 3 is not an arbor block and it does not support arbor 6. Instead, shaft 3 is simply a shaft used to adjust the vertical position of the blade. (Tannewitz, lines 54-56.) Nevertheless, claims 1-4 and 30-33 have been amended to further distinguish Tannewitz. These claims now require an arbor block supported by the frame, a bearing supported by the arbor block and a rotatable arbor supported by the bearing, and the claims specify that the brake is mounted to the arbor block. Tannewitz certainly fails to disclose these limitations. There simply is no arbor block in Tannewitz on which a brake is mounted, and therefore, the claims are not obvious in light of the cited references. MPEP 2143.03 (all claim limitations must be taught or suggested).

Claims 1-4 and 30-33 also require a detection system configured to detect a dangerous condition between a person and the blade and the brake is configured to engage and stop the blade upon detection of the dangerous condition. The Examiner recognizes that Tannewitz does not disclose a detection system, but he says it would be obvious to use the detection system of either Lokey or Yoneda with the brake of Tannewitz. (Office action, 5.) That combination, however, would not work. The brake in Tannewitz is mounted on the end of a bell crank lever and a user must move the lever to push the brake against the side of the blade. (Tannewitz, 61-65.) In contrast, Lokey uses a small solenoid to move a brake into contact with the blade and Yoneda energizes two coils to trigger a clamp brake and an electromagnetic brake. There is simply no way for Lokey's solenoids or Yoneda's coils to actuate the bell crank lever in

Tannewitz. As a result, there is no reasonable expectation that the combination of Tannewitz and Lokey or Yoneda could work and therefore the obviousness rejection should be withdrawn. MPEP 2143.02.

Claim 13 describes a woodworking machine with a cutter, a detection system adapted to detect a dangerous condition between a user and the cutter, and a brake system adapted to engage and stop the cutter upon detection of the dangerous condition. The cutter is adapted to be raised and lowered and the brake system is configured to raise and lower with the cutter. Raising and lowering the brake system with the cutter helps insure the brake is in a position to stop the cutter in the event a dangerous condition is detected.

Tannewitz and the other cited references fail to disclose a brake system adapted to be raised and lowered with a cutter. In Tannewitz, brake shoe 12 is supported by arm 11, and arm 11 is supported on shaft 3. Shaft 3 is part of the mechanism used to raise and lower the blade. Shaft 3 includes a pinion 27 that meshes with a gear 28 on a screw 29, and screw 29 is supported by lug 30 on frame 17. When a user turns shaft 3, a slide 26 moves up or down on screw 29. Slide 26 supports the motor and blade, and as a result, the motor and blade move up or down when the slide moves up or down. Shaft 3, arm 11 and brake shoe 12, however, do not move up or down because screw 29 does not move up and down; rather, slide 26 moves up and down on screw 29. This is evident from the fact that the opening in the cabinet through which shaft 3 extends does not allow the shaft to move up or down, as shown in Figure 1. Thus, brake shoe 12 remains stationary as blade 5 moves up and down. When the blade is lowered, brake shoe 12 will be adjacent the perimeter of the blade. When the blade is elevated,

as shown in Figure 1, the brake shoe is near the arbor. Brake shoe 12 is arched, as shown in Figure 1, so that it may match the perimeter of the blade when the blade is lowered, and curve around the arbor when the blade is elevated. Thus, Tannewitz does not show a brake system configured to raise and lower with the cutter. Lokey and Yoneda also fail to disclose or suggest a brake configured to raise and lower with a cutter, and as a result, claim 13 cannot be obvious in light of Tannewitz and the other cited references. MPEP 2143.03 (all claim limitations must be taught or suggested).

Claim 14 describes a woodworking machine with a brake system that is triggered automatically when a detection system detects a dangerous condition between a person and the cutter. Tannewitz fails to disclose such a brake system, and there is no reasonable expectation that the detection system of Lokey or Yoneda would work with the brake disclosed in Tannewitz for the reasons explained above, and therefore, claim 14 is not obvious in light of the cited references. MPEP 2143.02.

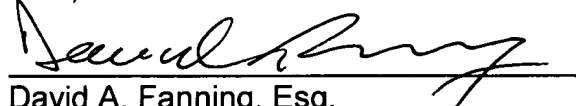
Claim 15 describes a table saw with a brake positioning means for moving a brake means up and down with the blade. As explained above, the cited references fail to disclose or suggest any brake capable of moving up and down with a blade, and therefore, claim 15 is not obvious in light of the cited references. MPEP 2143.02.

### Conclusion

For the reasons discussed herein, applicant submits that all of the issues raised in the Office action mailed December 14, 2004 have been addressed and overcome, and therefore, the application should be allowed.

Respectfully submitted,

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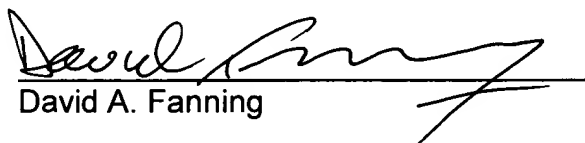
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